

Application No. 10/669,345

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REMARKS*Claim Rejections based on Prior Art*

The Examiner has rejected pending claims 1, 5-7, 11 and 15-16 as lacking novelty in view of Krish et al. (U.S. Patent No. 6,187,432). The Examiner has also rejected pending claims 1-7 and 11-16 as lacking novelty in view of Blatchford et al (U.S. Patent No.6,461,467). The Examiner has also rejected pending claims 2-4 and 12-14 on the basis that it would have been obvious to a person skilled in the art due to Krish applied to claims 1 and 11 and in view of Blatchford. Lastly, the Examiner has rejected pending claims 1-7 and 11-16 on the basis of obviousness having regard to Blatchford et al as applied to claims 1 and 11 and in view of Krish et al.

The Applicant respectfully submits that the claims are novel and patentably distinguishable from the cited prior art, and that a person skilled in the art could not be led to the claimed invention by the cited prior art, nor is the claimed invention taught by the prior art. The Applicant further submits that a person skilled in the art would not be motivated to combined the cited prior art to arrive at the present invention. The Applicant accordingly traverses the rejection and submits that claims 1-7 and 11-16 are novel and patentable over the prior art.

The claimed invention teaches a method of adhering a first material to a second material, comprising the steps of: a) positioning the first material on a work surface, with an adhesion zone exposed; b) applying an anchoring adhesive to the first material or to the second material or to both, to form a plurality of substantially isolated adhesive anchors separated by interstitial spaces; c) after the anchoring adhesive has gelled or cured, applying a bonding adhesive to the first material or to the second material or to both; and d) adhering the first and second materials together; whereby the anchoring adhesive has a relatively higher degree of adhesion to the first material or to the second material or to both than the bonding adhesive, and the bonding adhesive intrudes into the interstitial spaces and bonds to the adhesive anchors.

In the claimed invention, an anchoring adhesive selected for its ability to adhere to a material that provides a poor adhesive interface for the bonding adhesive of choice, is applied to the adhesion zone and creates a plurality of substantially isolated adhesive anchors distributed over the adhesion zone. The anchoring adhesive serves to anchor the bonding agent to the material.

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The applicant submits that this is not taught or suggested by the prior art, alone or in combination. It is respectfully submitted that none of the prior art teaches or suggests creating adhesive anchors for the purpose of improving adhesion with a second adhesive (bonding agent).

Krish et al. teaches a composite pressure sensitive adhesive composition comprising a first pressure sensitive adhesive material in a continuous phase and a second pressure sensitive adhesive material in a discontinuous phase and dispersed in the continuous phase of the first material. However, with respect, the Examiner appears to have misunderstood Krish.

As is evident in Figures 1, 3, 10, 11 and 12 of Krish (the Applicant notes in particular the Examiner's reference to Figures 10 and 12), the pressure sensitive adhesive (characterized by the Examiner as an anchoring adhesive) 128 which forms the discontinuous layer is embedded in the pressure sensitive adhesive (characterized by the Examiner as a bonding adhesive) 114 which forms the continuous layer. However, this is not to promote adhesion of the adhesive 114 to the substrate 102; the substrate 102 is intended to be peeled off to expose a composite layer of pressure sensitive adhesives. The problem addressed by Krish is set out at column 2, lines 32 to 34: "The pressure sensitive adhesive materials of the prior art are monolithic materials and as a result have properties that are limited to such monolithic materials."

Accordingly, the object of Krish's invention is to produce a pressure sensitive adhesive layer comprising different kinds of pressure sensitive adhesives, to "offer a wider selection of improved properties" (col. 2, lines 42-43). This has nothing to do with the present invention.

An advantage of the claimed invention in having substantially isolated adhesive anchors created by the anchoring adhesive is to improve bonding of the first material to the second material, by adding physical and chemical bonding sites to the adhesion zone, and allow the adhesive of choice to be used as a bonding adhesive to bond the materials without sacrificing the quality or durability of the finished product. Moreover, the bonding adhesive intrudes into the interstitial spaces between adhesive anchors and adheres to the anchoring sites formed by the adhesive anchors, to thereby bond to the material in the adhesion zone with a degree of adhesion greater than the adhesion of the bonding adhesive if applied directly to the substrate, and potentially comparable to the strength of the adhesion of the anchoring adhesive to the substrate. Krish has nothing to do with bonding the layer 102, or improving adhesion to the substrate 102. Krish does

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not include the step of "adhering the first and second materials together." Furthermore, the discontinuous adhesive layer 128 does not create adhesive "anchors" within the meaning of the present application because the discontinuous adhesive layer 128 does not serve the function of anchoring the continuous adhesive layer 114 to the substrate 102.

In short, the anchoring adhesive as claimed serves to anchor the bonding agent to the material. The Examiner has characterized the pressure sensitive adhesive 128 as an anchoring adhesive, but the Applicant respectfully submits that this is not an accurate characterization; it does not meet the limitations or perform the function of the adhesive anchors as claimed. Further, for these reasons, the applicant respectfully submits that the invention so claimed is not taught or suggested by Krish.

The Examiner has also rejected pending claims 1-7 and 11-16 as lacking novelty in view of Blatchford et al (U.S. Patent No.6,461,467). Blatchford is directed to medical dressings that include multiple exposed pressure sensitive adhesives. The Examiner asserts that Blatchford teaches applying an "anchoring adhesive" 120/220/320 to a first material 112/212/312. With respect, adhesive 120/220/320 is not an "anchoring" adhesive nor does it function as such. Moreover, 120/220/320 does not form "a plurality of substantially isolated adhesive anchors separated by interstitial spaces" as claimed. Rather, 120/220/320 refers to a first pressure sensitive adhesive, which is formed as a continuous strip along the edges of the bandage (see Fig. 4A, col. 6, lines 22 to 24). It does not function to improve the bonding between a material and a bonding adhesive. In fact, the only reason the adhesives 120/220/320 and 130/230/330 are in contact at all is that they may overlap "to prevent adhesive voids that may negatively impact retention of the dressing on the skin of a patient." Blatchford does not teach the second pressure adhesive intruding into "interstitial spaces and bond[ing] to the adhesive anchors" to improve the bonding of the second adhesive 130/230/330 to a first material 112/212/312. The Examiner cited column 8, lines 34-37 in support of this assertion, but the Applicant this citation fails to teach or suggest the claimed invention. It is perfectly consistent with the stated object of Blatchford which, like Krish, is to provide two different kinds of adhesives to "provide desired properties in different areas of the dressing" (Abstract, lines 7 to 10).

Having two pressure sensitive adhesives as in Blatchford allows one to provide a relatively high tack to skin while another exposed pressure sensitive adhesive may serve as a vehicle for a

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bioactive agent while providing some adhesive properties (column 2, lines 17-20). For example, the high tack edges of the dressing may serve to secure the dressing to the patient, while the centre provides a degree of infection control.

Blatchford does not teach an anchoring adhesive selected for its ability to adhere to a material that provides a poor adhesive interface for the bonding adhesive of choice, is applied to the adhesion zone and creates a plurality of substantially isolated adhesive anchors distributed over the adhesion zone. In the present invention the anchoring adhesive serves to anchor the bonding agent to the material; both adhesives are intended to be used on the same adhesion zone, and operate synergistically to promote the adhesion to a first material to a second material, using a bonding adhesive that adheres strongly to the second material but not to the first material. The adhesive anchors of the anchoring adhesive are interposed between the bonding adhesive and the first material. The applicant submits that this is not taught or suggested by Blatchford.

It is accordingly respectfully submitted that neither Krish nor Blatchford teach or suggest creating a plurality of substantially isolated adhesive anchors as claimed, for the purpose of improving adhesion with a second (bonding) adhesive to then adhere the first and second materials together. Further, nothing in Krish or Blatchford suggests that one can or should be combined with the other for this purpose; and in fact even the combination would not produce the claimed invention. In both of the cited references, the adhesives are each intended to bond to the same material. The Examiner has not cited any patent that teaches or suggests an adhesive being used to bond to a first material another adhesive that has a low adhesion to the first material but a higher adhesion to a second material.

The Applicant accordingly traverses the rejection and submits that claims 1-7 and 11-16, and thus all of the claims, are patentable over Krish and Blatchford.

It is accordingly respectfully submitted that the Examiner's objections should be withdrawn. Favourable reconsideration and allowance of this application are requested.

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A Petition for an Extension of Time requesting an extension of one month for filing the subject response is enclosed. The Commissioner is authorized to charge any deficiency or credit any overpayment in the fees for same to our Deposit Account No. 500663. A signed copy of this page is enclosed if required for this purpose.

Executed at Toronto, Ontario, Canada, on October 27, 2006.

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Petition for Extension of Time (in duplicate)

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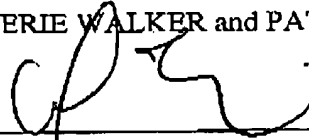
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